

Public Workshop and CEQA Scoping Meeting

Downtown Anchorage and
B Street/Broadway Piers (DAB)
TMDLs for Toxic Pollutants in Sediments

January 10, 2013

II. CEQA Scoping Meeting

Purpose of CEQA Scoping Meeting

➤ To fulfill legal obligation

- CEQA statute: Public Resources Code §21000 et seq. (California Environmental Quality Act)
- CEQA Guidelines: 14 CCR §15000 et seq.
- SWRCB's Certified Regulatory Program Implementation Regulations: 23 CCR §3720 et seq.
- Updated statute, guidelines, caselaw, other info:
<http://www.ceres.ca.gov/ceqa> and
http://www.waterboards.ca.gov/laws_regulations

Purpose of CEQA Scoping Meeting

- Provide opportunity for agencies and public
 - to review the proposed project, identify environmental impacts, alternatives, and mitigations, and
 - to suggest actions early in the process

Certified Regulatory Programs

- Water Board's Basin Planning Process has been Certified by Secretary of the Resources Agency as CRP
- Includes same requirements as normal process but uses different names

Substitute Environmental Documents (SED)

➤ Includes

- Basin Plan amendment
- Supporting Staff Report
- Checklist/environmental analysis
- Comments
- Responses
- Resolution

Purpose of CEQA Analysis

- Evaluate proposed project
 - Environmental impacts
 - Alternatives to project
 - Mitigation measures for impacts
- Ensure Public Disclosure and Participation

Definition of “Project” Under CEQA

- The whole of the “action” and all foreseeable methods of compliance
 - Regulatory action by Water Board (TMDL/BPA) AND
 - Foreseeable methods of compliance by responsible parties
 - Required to evaluate both

Evaluate Regulatory Action (by Water Board)

- Alternatives
- Impacts
- Mitigation Measures

Example Alternatives to TMDL/BPA

- No Action
- Single Water Board Action Alternatives
 - Adopt Permit (NPDES, WDR)
 - Issue Conditional Waiver
 - Adopt Discharge Prohibition
 - Issue Enforcement Orders
 - Certify Third Party Implementation Plan (Non-regulatory)

Select Alternative That...

- Meets all project objectives
- Has least environmental impact

Evaluate Reasonably Foreseeable Methods of Compliance (by RPs)

- Alternatives
- Impacts
- Mitigation Measures

“Program” Vs. “Project” Level CEQA Analysis

➤ We Do Program Level CEQA Analysis (Now)

- Big Picture, High Altitude Perspective
- Considers broad range of foreseeable compliance methods

➤ Responsible Party Does Project Level CEQA Analysis (Later)

- Specific to the selected project/method

Examples of Alternative Compliance Methods

➤ Nonstructural Controls

- Education and outreach
- Road and street maintenance
- Eliminate Illicit discharges
- Inspection
- Development/enforcement of local ordinances

Examples of Alternative Compliance Methods

➤ Structural Controls – source control in watershed

- Vegetated swales and buffer strips
- Bioretention
- Detention basins/retention ponds
- Sand filters
- Diversion systems
- Porous pavement
- Infiltration systems

Examples of Alternative Compliance Methods

- Remediation of legacy contamination in the bay
 - Bio-remediation
 - Capping
 - Dredging

For Each Alternative

- Identify Impacts
- Identify Mitigation Measures

Environmental Impact Checklist

- ☐ Aesthetics
- ☐ Agriculture & Forest Resources
- ☐ Air Quality
- ☐ Biological Resources
- ☐ Cultural Resources
- ☐ Geology & Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards & Hazardous Materials
- ☐ Hydrology & Water Quality
- ☐ Land Use & Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population & Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation/Traffic
- ☐ Utilities & Service Systems
- ☐ Mandatory Findings of Significance

Select Alternative That...

- Meets all regulatory requirements
- Has least environmental impact

Your Comments Requested on...

- Alternatives to TMDL/BPA
- Methods the responsible parties would foreseeably use to comply with the TMDLs;
- Reasonably foreseeable significant environmental impacts associated with those means of compliance;
- Reasonable alternative means of compliance that would have less significant adverse environmental impacts;
- Reasonable mitigation measures that would minimize any unavoidable significant adverse environmental impacts associated with the means of compliance.

Comments

- Written comments will be accepted until January 24, 2013 at 5:00 pm
- Submit written comments to:
 - By mail: Mr. Charles Cheng
San Diego Water Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340
 - By fax: (858) 571-6972
 - By email: ccheng@waterboards.ca.gov

Public Comments

Closing Remarks

Adjourn